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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,753	10/01/2001	Lev Smolyar	P-1987-US1	3706
27130	7590	08/08/2005	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			ZHENG, EVA Y	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,753

Applicant(s)

SMOLYAR ET AL

Examiner

Eva Yi Zheng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-18, 22-26, 28, 30 is/are rejected.
- 7) ☒ Claim(s) 6-8, 19-21 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 5/16/2005 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed Applicant's arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation as rejected.

a) Applicant's argument – La Rosa does not disclose at least “generating direction metrics of each of a set of possible of joint movement of at least two fingers of said finger block”.

Examiner's response – Applicant is reminded that the Examiner is entitled to give the broadest reasonable interpretation to the language of claims. It is well known in the time tracking system, early-late time tracking mechanism is achieved (background of current application). Direction metrics of time tracking simply means the earlier and later time positions of fingers in a rack receiver. La Rosa teaches a time tracking system for controlling time position (early, on-time and late) of adjacent fingers (as shown in Fig. 8). Applicant argues: “a value representing the difference between the amplitudes cannot anticipate direction metrics of each of each of a set of possible direction of joint movement”. Applicant never mentions any specific method or ways to generate direction metrics in claimed language. According to the specification of current application, the direction metrics are based on power estimation. It is well known that amplitude of signals has direct relationship with power measurement. Therefore, La

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Rosa is a very close art to current application. Moreover, La Rosa did not fail to teach claimed limitations.

b) Applicant's argument – La Rosa does not disclose: "selects one of said direction metrics".

Examiner's response – La Rosa teaches selects one of the direction metrics according to a predetermined criterion (818 and 830 in Fig. 8; Col 10, L32-Col 11, L6). Therefore, La Rosa did not fail to teach claimed limitations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 9-18, 22-26, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by La Rosa et al. (US 6,078,611).

a) Regarding claim 1, La Rosa et al. disclose a receiver comprising:

a direction metric (inherent as early, on-time and late; Fig. 2) determiner which generates direction metrics of each of a set of possible directions of joint movement of

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at least two fingers of a finger block (112 in Fig. 1 and 202 and 204 in Fig. 2; 316 in Fig. 3);

a metric selector (818 and 830 in Fig. 8) which selects one of said direction metrics according to a predetermined criterion (Col 10, L32-Col 11, L6); and

a finger adjuster (816 in Fig. 8) which moves the fingers of said finger block in the directions indicated by said selected direction metric.

b) Regarding claim 14, La Rosa et al. disclose an article comprising a storage medium having stored thereon instructions (114 in Fig. 1), that, when executed by a computing platform, cause the computing platform to generate a direction metrics of each of a set of possible directions of joint movement (inherent as early, on-time and late) of at least two fingers of finger block (112 in Fig. 1 and 202 and 204 in Fig. 2; 316 in Fig. 3), select one of said direction metrics according to a predetermined criterion (818 and 830 in Fig. 8; Col 10, L32-Col 11, L6), and to move the fingers of said finger block in the directions indicated by said selected direction metric (as shown in Fig. 8).

c) Regarding claim 2, La Rosa et al. disclose a receiver according to claim 1, wherein said selected direction metric is the maximal direction metric ("other threshold values may also be used"; Col 5, L8-10).

d) Regarding claims 3 and 16, La Rosa et al. disclose wherein said finger adjuster moves the fingers of said finger block only if said selected direction metric is the maximal direction metric and exceeds a comparison direction metric by at least a predetermined threshold (316, 318, 322 and 324 in Fig. 3).

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- e) Regarding claim 4, La Rosa et al. disclose said finger adjuster includes a redefiner which redefines finger blocks once said fingers have been moved (324, 308, 310 and 312 in Fig. 3).
- f) Regarding claim 5, La Rosa et al. disclose a receiver according to claim 1, wherein said finger block is formed of two fingers (316 in Fig. 3).
- g) Regarding claim 9, La Rosa et al. disclose a receiver according to claim 1, wherein said finger block is formed of two closely spaced fingers (112 in Fig. 1 and 316 in Fig. 3).
- h) Regarding claims 10 and 23, La Rosa et al. disclose closely spaced fingers are $7/8$ chip apart ("other threshold values may also be used"; Col 5, L8-10).
- i) Regarding claim 11, La Rosa et al. disclose a receiver according to claim 1, wherein said finger block is formed of three fingers (Col 6, L63-65).
- j) Regarding claims 12 and 25, La Rosa et al. disclose delays between fingers are set to be no smaller than $7/8$ chip (Col 6, L48-49).
- k) Regarding claims 13 and 28, La Rosa et al. disclose wherein said direction metrics are based on power estimation (inherent as amplitude; Col 5, L32-47).
- l) Regarding claim 15, La Rosa et al. disclose the article according to claim 14, wherein said selected direction metric is the maximal direction metric ("other threshold values may also be used"; Col 5, L8-10).
- m) Regarding claim 17, La Rosa et al. disclose having stored instructions which cause the computing platform to redefine the finger blocks (324 in Fig. 3).

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- n) Regarding claim 18, La Rosa et al. disclose the article according to claim 14, wherein said finger block is formed of two fingers (316 in Fig. 3).
- o) Regarding claim 22, La Rosa et al. disclose the article according to claim 14, wherein said finger block is formed of two closely spaced fingers (112 in Fig. 1 and 316 in Fig. 3).
- p) Regarding claim 24, La Rosa et al. disclose the article according to claim 14, wherein said finger block is formed of three fingers (Col 6, L63-65).
- q) Regarding claim 26, La Rosa et al. disclose wherein said steps of generating includes the step of time averaging said direction metrics by summing consecutive direction metrics (206 in Fig. 2).
- r) Regarding claim 30, La Rosa et al. disclose a method comprising:
 - forming a finger block of at least two fingers (112 in Fig. 1); and
 - jointly tracking the fingers of said finger block by (abstract):
 - generating direction metrics (inherent as early, on-time and late; Fig. 2) of each of a set of possible directions of joint movement of two fingers of said finger block (112 in Fig. 1 and 202 and 204 in Fig. 2; 316 in Fig. 3);
 - selecting one of said direction metrics according to a predetermined criterion (818 and 830 in Fig. 8; Col 10, L32-Col 11, L6); and
 - moving the fingers of said finger block in the directions indicated by said selected direction metric (as shown in Fig. 8).

Allowable Subject Matter

4. Claims 6-8,19-21 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eva Y Zheng whose telephone number is 571 272-3049. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 26, 2005

Eva Yi Zheng
Examiner
Art Unit 2634



SHUWANG LIU
PRIMARY EXAMINER